

Message Text

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ACTION DLOS-07

INFO OCT-01 AF-10 NEA-14 IO-14 ISO-00 CEQ-02 CIAE-00

COA-02 COME-00 DODE-00 EB-11 EPA-04 INR-10 L-03

NSF-04 NSC-07 NSAE-00 PM-07 RSC-01 SCI-06 SS-20 SP-03

FEA-02 ACDA-19 AEC-11 JUSE-00 OMB-01 INT-08 AGR-20

TRSE-00 CG-00 DOTE-00 H-03 PA-04 PRS-01 USIA-15 FMC-04

DRC-01 ARA-16 EA-11 EUR-25 OIC-04 /271 W

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R 281208Z MAY 74

FM AMEMBASSY KUWAIT

TO SECSTATE WASHDC 9724

INFO AMEMBASSY ABIDJAN

AMEMBASSY ADDIS ABABA

AMEMBASSY DAR ES SALAAM

AMEMBASSY KINSHASA

AMEMBASSY LAGOS

AMEMBASSY NAIROBI

AMEMBASSY NEW DELHI

USVISSION USUN NY 0409

AMEMBASSY TEHRAN

C O N F I D E N T I A L KUWAIT 2134

USUN FOR AMB STEVENSON; NEW DELHI PASS OXMAN FROM MOORE

EO 11652: GDS

TAGS: PBOR, ET

SUBJ: LOS: CONSULTATIONS WITH GOVERNMENT OF ETHIOPIA

SUMMARY: TEAM LED BY JOHN NORTON MOORE MET WITH GETACHEW KIBRET, VICE MINISTER (LEGAL) IN MOFA, LIEUT HAILU MAKONNEN, LEGAL ADVISER OF NAVY WHO HAS ATTENDED SEABED COMMITTEE, AND OTHER REPS FROM MOFA, INTERIOR AND MINES. FULL RANGE OF LOS ISSUES DISCUSSED AND FOLLOWED UP IN WORKING LEVEL MEETING ON SECOND
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DAY. EITHIOPAINS SEEM PARTICULARLY AWARE THEIR POSITION AS

SHELF-LOCKED STATE AND SEEM TO HAVE HARDENED THEIR POSITION
ALONG WITH OTHER LAND-LOCKED SHELF-LOCKED STATES SEEKING JOINT
JURISDICTION OR PARTICIPATION IN ECONOMIC ZONE. END SUMMARY

1. MOORE OPENED WITH GENERAL COMMENT ON IMPORTANCE OF CONFERENCE,
OUTLINES OF EMERGING "PACKAGE SETTLEMENT" ACCOMMODATING
RESOURCE AND NAVIGATIONAL OBJECTIVES AND IMPORTANCE OF ADHERING
TO G.A. SCHEDULE. GETACHEW KIBRET AGREED, SAYING, HOWEVER
THAT DETAILS OF ECONOMIC ZONE NEED MUCH WORK IN VIEW OF INTERESTS
OF LAND-LOCKED SHELF-LOCKED STATES.

2. STRAITS AND TERRITORIAL SEA. U.S. TEAM SET OUT U.S. POSITION
AND EMPHASIZED IMPORTANCE OF UNIMPEDED TRANSIT FOR SUCCESSFUL
CONFERENCE. HAILU MAKKONEN INDICATED NECESSITY OF DEALING WITH
PROBLEMS AS SEEN BY STRAITS STATES. GETACHEW SAID ETHIOPIA
TENDED FAVOR FREE TRANSIT BUT MUST CONSIDER POSITION IN CONTEXT
OF OAU DESIRE FOR OBJECTIVIZED INNOCENT PASSAGE. HE ASKED
ABOUT TIRAN REGIME IN CONTEXT OF STRAITS LEADING TO TERRITORIAL
OR INTERNAL WATERS. MOORE OUTLINED US POSITION AND ALSO INDICATED
U.S. CONSIDERATION OF ALTERNATE ROUTE EXCEPTION. HAILU
(ETHIOPIAN KNOWN BY FIRST NAME) QUESTIONED NEED FOR SUBMERGED
TRANSIT AT BOTH MEETINGS IN CONTEXT OF STRAITS STATE OPPOSITION.
ESSENTIAL NATURE THIS RIGHT EXPLAINED AT BOTH MEETINGS. IN
LATER PRIVATE DISCUSSIONS WITH DUGGER, HE SAID HE HAD NO
PROBLEMS WITH SUBMERGED TRANSIT BUT OTHERS IN HIS GOVERNMENT
DID. COMMENT: ETHIOPIAN POSITION ON STRAITS NOT FIRM BUT IN-
CLINING TOWARD FREE TRANSIT. WANT OVERFLIGHT BUT SEE TRANSIT
RIGHTS EASIER ACHIEVE IN OAU CONTEXT WITHOUT SUBMERGED TRANSIT.
HAILU PROBABLY MOST KNOWLEDGEABLE MEMBER ETHIOPIAN TEAM. HE
IS PRO-U.S. AND SYMPATHETIC TO U.S. NEEDS. END COMMENT.

3. COASTAL RESOURCES: MOORE EXPLAINED US POSITION ON GSEA AND
FISHERIES. GETACHEW SAID GOE DID NOT WANT EXCLUSIVE ECONOMIC
ZONE SINCE THEY ARE GEOGRAPHICALLY DISADVANTAGED STATE. HE SAID
THEY WANTED TO SHARE RESOURCES OF ZONE THROUGH REGIONAL ARRANGE-
MENTS, THEY WOULD OPPOSE COASTAL CONTROL OF ANADROMOUS SPECIES
AND WOULD SEEK TO CUT OFF COASTAL JURISDICTION AT 200 MILES
MAXIMUM. AT WG, MOFA REP SAID THEY WOULD OPPOSE EXCLUSIVE ECONOMIC
ZONE WITH FALLBACK TO REGIONAL ARRANGEMENT SPELLED OUT IN LOS
TREATY WITH RIGHT OF DIRECT EXPLOITATION OF FISH AND SEABED FOR
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LAND-LOCKED AND SHELF-LOCKED STATES IN ENTIRE ZONE WITHIN REGION.
HE INDICATED THEY MIGHT CONSIDER APPROACH SUCH AS REVENUE
SHARING AS ALTERNATE FALLBACK FOR CONTINENTAL SHELF. UNDER
REGIONAL ARRANGEMENT, MOFA REP SAID OUTSIDE STATES BARRED FROM
FISHING EXCEPT BY PAYMENT OF COMPENSATION. HE SAID THEY
WOULD CONSIDER U.S. APPROACH OF PAYMENT RELATED TO FISHERIES
MANAGEMENT COSTS.

4. DEEP SEABEDS: MOORE EXPLAINED US POSITION AND IMPORTANCE OF ISSUES TO US AFTER ENERGY CRISIS. GETACHEW SAID THEY SUPPORTED DIRECT EXPLOITATION BY AUTHORITY. SAID THEY HAD NO STRONG VIEWS ON PRICE AND PRODUCTION CONTROLS BUT SEE NO HARM IN THIS AND IN GIVING CONSIDERABLE DISCRETION GENERALLY TO AUTHORITY SO LONG AS THERE ARE SAFEGUARDS TO AVOID WHIMSICAL DECISIONS. MOORE POINTED OUT DISADVANTAGES OF DIRECT EXPLOITATION BY AUTHORITY AND OF PRICE OR PRODUCTION CONTROLS AND REITERATED STRONG US OPPOSITION TO EITHER. IT WAS ALSO MADE CLEAR BY MOORE THAT ESSENTIAL TERMS OF LICENSE ARRANGEMENT (I.E. RULES AND REPS) MUST BE PART OF TREATY OTHERWISE STATES WOULD NOT KNOW WHAT THEY WERE AGREEING TO. AS WITH OTHER AFRICAN COUNTRIES VISITED, THE DEEP SEABEDS SEEMS TO BE AREA OF WIDEST GAP IN U.S. AND GOE POSITIONS.

5. MARINE POLLUTION: MOORE EXPLAINED US POSITION ON SEABEDS AND VESSEL SOURCE POLLUTION AND POINTED OUT NAVIGATION PROBLEMS RE VESSEL-SOURCE POLLUTION ISSUE, PARTICULARLY FOR ZONE-LOCKED STATES SUCH AS ETHIOPIA. GETACHEW SAID US AHD STRONG CASE ON VESSELS, PARTICULARLY REGARDING STANDARDS AND APPRECIATED US UNDERSTANDING OF SPECIAL PROBLEM OF RED SEA. DURING WG, ETHIOPIANS CLEARLY INDICATED THEY HAD DONE LITTLE THINKING ON STANDARD SETTING AND ENFORCEMENT AND ARE MAINLY CONCERNED WITH CLEAN-UP, MINIMIZING DAMAGE, AND LIABILITY FOR DAMAGE. THEY INDICATED SERIOUS CONCERN FOR INCREASED POLLUTION OFF THEIR COAST WHEN SUEZ REOPENED.

6. SCIENTIFIC RESEARCH: MOORE AND WULF EXPLAINED US POSITIONS. GETACHEW SAID COASTAL STATE SHOULD CONTROL RESEARCH UNDER CONSENT REGIME SINCE HE FELT MOST RESEARCH RESOURCE ORIENTED. HE ALSO SAID AUTHORITY SHOULD BE ABLE TO UNDERTAKE RESEARCH AND THAT, UNDER REGIONAL ARRANGEMENTS, ALL STATES CONCERNED SHOULD BE INVOLVED IN CONSENT DECISION. DURING WG, ETHIOPIANS
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STRESSED THAT POSITION NOT FIRM (AS WAS TRUE WITH ALL ISSUES) AND ASKED NUMEROUS QUESTIONS OF US REPS AS TO WHY WE DON'T WANT CONSENT REGIME, WHAT OUR EXPERIENCE HAD BEEN AND WHAT TYPES OF RESEARCH WERE NOT RESOURCE ORIENTED. THERE SEEMED SUBSTANTIAL INTEREST IN POINTS U.S. RAISED AS TO WHY CONSENT REGIME NOT IN BEST INTERESTS OF COASTAL STATES OR INTERNATIONAL COMMUNITY AS A WHOLE.

7. COMPULSORY DISPUTE SETTLEMENT: AFTER MOORE DESCRIPTION OF U.S. APPROACH GETACHEW SAID THEY COULD ACCEPT U.S. POSITION.

8. PROVISIONAL APPLICATION. GETACHEW SAID THEY WOULD HAVE TO CONSIDER IT. THIS RATHER CRYPTIC RESPONSE SEEMS TO REFLECT LACK OF FOCUS ON ISSUE RATHER THAN LATENT OPPOSITION.

9. ARCHIPELAGOS: DURING WG, HAILU SAID THEY HAD NOT TAKEN A POSITION ON ARCHIPELAGO CLAIMS BUT INDICATED POSSIBLE INTEREST IN DRAWING ARCHIPELAGO LINES AROUND ETHIOPIAN ISLANDS IN RED SEA. US RESPONDED INDICATING LACK OF NECESSITY FOR SUCH ACTION FOR RESOURCES GIVEN PROBABLE EXTENT OF COASTAL RESOURCE PROTECTION UNDER LOS TREATY.

10. COMMENT: US-GOE RELATIONS ON LOS ISSUES ARE CORDIAL AND IN MOST AREAS CLOSE. GOE TEAM HOWEVER, REPEATEDLY LAID STRESS ON THEIR SHELF-LOCKED STATUS AND PARTICIPATION IN EXPLOITATION OF RESOURCES OF ECONOMIC ZONES IN REGION. U.S. TEAM POINTED OUT POSSIBILITY OF REVENUE SHARING OR DEVICE TO ACHIEVE ACCOMMODATION BETWEEN LAND-LOCKED SHELF-LOCKED AND BROAD MARGIN STATES. GOE ALSO SEEMS STRONGLY INFLUENCED BY OAU POSITION AND IT SEEMS UNLIKELY THEY WOULD VOCALLY OPPOSE OAU POSITION UNLESS ISSUE OF VITAL CONCERN TO THEM.

11. TEAM WOULD LIKE TO THANK CHARGE AND EMB OFFS FOR THEIR GREAT ASSISTANCE IN ARRANGING PRODUCTIVE SCHEDULE WITH ETHIOPIAN GOVERNMENT OFFICIALS.
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